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GOVERNMENT OF KERALA

Development (Panchayat Special) Department

NOTIFICATION

No. G.O. MS. 795|62|DD.

Dated, Trivandrum, 22nd October 1962.

S.R.O. No. 311|62. In exercise of the powers conferred by sections 6, 11 and 129 of the Kerala Panchayats Act 1960 (Act 32 of 1960) and in supersession of rules 8 to 66 of the Kerala Panchayats (Conduct of Election and Election Disputes) Rules, 1961 the Government of Kerala hereby make the following rules, the same having been previously published as required by sub-section (2) of section 130 of the said Act.

By order of the Governor,

S. ANANTAKRISHNAN,

Development Commissioner and Addl. Secretary to Government.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1962.

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Panchayats (Election of Members) Rules, 1962.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless the context otherwise requires—

(a) 'the Act' means the Kerala Panchayats Act, 1960 (Act 32 of 1960).

(b) 'Assistant Returning Officer' includes an Assistant Election Officer appointed by the Election Authority.

(c) 'election authority' means the officer appointed by the Government under clause (11) of section 2 of the Act.

(d) 'Form' means a form appended to these Rules.

(e) 'Returning Officer' includes an Election Officer appointed by the Election Authority.

(f) 'Revenue Divisional Officer' means a Revenue Divisional Officer appointed by Government to be in charge of a District or Sub District and includes a Sub Collector or an Assistant Collector or any other officer authorised by the Collector to perform the functions of a Revenue Divisional Officer under these rules.

3. *Election of members.*—The members of a Panchayat shall be elected under section 6 of the Act in the manner laid down in these rules.

4. *Time limit for reporting of casual vacancies.*—Every casual vacancy in the office of a member of a Panchayat shall be reported by the executive authority of the Panchayat to the election authority within one week of the occurrence of the vacancy.

5. *Returning Officers.*—For the purpose of election of members to a panchayat, the election authority shall, subject to such directions as may be issued by the Government from time to time, designate or nominate a Returning Officer who shall be an officer of the Government:

Provided that nothing in this rule shall prevent the election authority from designating or nominating the same person to be a Returning Officer for more than one panchayat.

6. *Assistant Returning Officers.*—The election authority may appoint one or more persons to assist any Returning Officer in the performance or his functions:

Provided that every such person shall be a Government servant.

7. *Functions of Assistant Returning Officer.*—Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the counting of postal ballot and announcement of result of election unless the Returning Officer is unavoidably prevented from performing the said functions.

8. *Returning Officer to include Assistant Returning Officers performing the functions of Returning Officers.*—Reference in these Rules to the Returning Officer, shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer performing any function which he is authorised to perform under rule 7.

9. *General duty of the Returning Officer.*—It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by these rules or orders made thereunder.

10. *Public notice of election.*—(1) Not less than 30 days before the date fixed for the holding of an election, the Returning Officer shall prepare and publish a notice in Form I in English and in the language or languages of the locality stating:—

(a) the number of persons to be elected;

(b) the wards for which they are to be elected;

(c) the number of seats, if any, out of those for which elections are to be held, reserved in each ward for Scheduled Castes and Tribes;

(d) The last date for making of nominations which shall not bee less than seven days after the date of publication of the notice and the place at which the nomination papers should be presented.

(e) the date on which the nomination papers will be taken up for scrutiny not being less than twenty days before the date of the election;

(f) the last date for withdrawal of candidatures which shall be the eighth day after the date for scrutiny of nominations;

(g) the day on which, and the place or places where, the votes of the electors will be taken, should there be a poll, and the hours during which the poll will be open, not being less than nine hours between 7 a.m. and 5 p.m.;

(h) the day on which and the place and hour at which, the Returning Officer will commence the counting of the votes.

(2) The notice shall be published by affixing it at his office, the Panchayat Office, the Village Office or offices comprised in the Panchayat area and in two or more conspicuous places in each ward for which an election is to be held.

11. *Publication of list symbols.*—The Government shall, as soon as may be, after the commencement of these rules, by notification in the Gazette, publish a list of symbols and may in like manner add to or vary such list.

12. *Nomination of candidates.*—(1) The nomination of every candidate shall be made by means of a nomination paper in Form II, which shall, on application, be supplied free of cost by the Returning Officer or by the executive authority of the Panchayat to any elector whose name is on the electoral roll of the Panchayat.

(2) Every nomination paper shall be signed by one elector of the ward concerned as proposer and the candidate shall sign a declaration on it expressing his willingness to stand for election.

(3) The nomination paper shall also specify in the order of preference three symbols out of the list of symbols for the time being in force:

Provided that the choice of symbols by the candidate shall be subject to such restrictions as the Government may deem fit to impose; and

Provided further that a failure to complete or defect in completing this declaration as to symbols in a nomination paper shall not be deemed to be a defect of a substantial character within the meaning of sub-rule (4) of rule 16.

(4) The same elector may sign as many nomination papers as there are vacancies to be filled but no more. Each candidate shall be nominated by a separate nomination paper.

(5) Every nomination paper shall be presented by the candidate in person or by his proposer on the date or dates at the place and during the hours appointed, to the Returning Officer or to such other person as may be authorised by him in this behalf. The Returning Officer or such other authorised person shall forthwith number the nomination papers serially in the order in which they are presented and enter on each nomination paper the time at which it is presented.

In wards where seats are reserved for Scheduled Castes and Scheduled Tribes, the candidate for that seat shall declare that he belongs to that particular caste or tribe.

(6) Where a person has signed as proposer a larger number of nomination papers than there are vacancies to be filled, those of the papers so signed which have been first received up to the number of vacancies to be filled shall be deemed to be valid.

(7) The rejection of a nomination paper of any candidate on the ground of any irregularity in respect thereof shall not affect the validity of the nomination of the candidate if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(8) No nomination paper shall be received after the appointed time on the date or dates fixed for the presentation of nomination papers under rule 10.

13. *Verification of nomination paper.*—On the presentation of a nomination paper the Returning Officer or other authorised person referred to in sub-rule (5) of rule 12 may require the person or persons presenting the same to produce a copy of the electoral roll on which the candidate and his proposer are registered or of the necessary entries therein and shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls:

Provided that the Returning Officer shall permit any clerical or technical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the electoral rolls; and where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

14. *Deposits.*—(1) A candidate shall not be deemed to be duly nominated for election from a ward unless he deposits or causes to be deposited a sum of twenty-five rupees or where the candidate is a member of a scheduled caste or scheduled tribe, a sum of ten rupees. A separate deposit shall be required in respect of each ward for which the candidate wishes to stand.

(2) Any sum required to be deposited under sub-rule (1) shall not be deemed to have been deposited under that sub-rule unless at the time of presentation of the nomination paper under sub-rule (5) of rule 12, the candidate has either deposited or caused to be deposited that sum with the Returning Officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the concerned Panchayat office or in a Government Treasury.

(3) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, withdraws his candidature in the manner and within the time specified in sub-rule (1) of rule 18 or if the nomination of any such candidate is rejected, the deposit shall be returned to the person by whom it was made, and if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(4) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, divided by the number of members to be elected, the deposit shall be forfeited to the Panchayat.

(5) For the purpose of sub-rule (4) the number of votes polled shall be deemed to be the number of votes recorded on ballot papers, other than rejected votes, counted.

(6) The deposit made in respect of a candidate who is not elected shall, if it is not forfeited under sub-rule (4) be returned to the candidate or to the person who has made the deposit on his behalf as the case may be, as soon as may be, after the publication of the result of the election under rule 66, and the deposit made in respect of a candidate who is elected shall be so returned as soon as may be after the candidate has taken his seat in the Panchayat.

(7) A deposit required to be returned to any person under sub-rule (3) or sub-rule (6) shall, if such person is dead, be returned to his legal representative.

(8) Notwithstanding anything contained in this rule a deposit made under sub-rule (1) shall not be returned unless a claim therefor is preferred by the person who made the deposit or by his legal representative, as the case may be, within six months of the date of the declaration by the Returning Officer of the results of the election or where such declaration is made on two different dates, within six months of the latter of such dates.

15. *Publication of the list of nominations.*—On the last day appointed for the receipt of nomination papers and immediately after the hour for their receipt is past, the Returning Officer or other authorised person referred to in sub-rule (5) of rule 12 shall publish in his office and in the Panchayat office a list in Form III of all nominations received with a notice that the nomination papers will be taken up by the Returning Officer for scrutiny on the date, at the place and at the hour specified in the notice under rule 10.

16. *Scrutiny of nominations.*—(1) On the date fixed for the scrutiny of nominations under rule 10, the candidates, their election agents; their proposers, and one other person duly authorised in writing by each candidate, and except for the purpose of assisting the Returning Officer, no other person may attend at such time and place as the Returning Officer may appoint and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been presented within the time and in the manner laid down in rule 12.

(2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his

own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:

(a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under any of the provisions of the Act,

(b) that there has been a failure to comply with any of the provisions of rules 12 or 14; or

(c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clause (b) or clause (c) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under Rule 10 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that in case an objection is raised by the Returning Officer or is made by any other person the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) For the purposes of this rule, a certified copy of an entry in the electoral roll for the time being in force of a ward shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that ward, unless it is proved that he is subject to a disqualification mentioned in section 14 of the Act.

(8) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it to his notice board and in the notice board of the concerned Panchayat office.

17. *Appeal against acceptance or rejection of nomination.*—(1) If the nomination of a candidate is rejected, the Returning Officer shall, on a written application made by the candidate or his authorised agent, forthwith give him a copy of the order rejecting such nomination.

(2) If any candidate or his authorised agent makes a written application for a copy of the order accepting the nomination of a candidate alleging that the acceptance of the nomination paper was improper, the Returnig Officer shall forthwith give him a copy of the order.

(3) From an order rejecting the nomination of a candidate, or from an order accepting the nomination of a candidate an appeal shall lie to the Revenue Divisional Officer having jurisdiction over the area. The memorandum of appeal shall be delivered to the Revenue Divisional Officer or shall reach him within three days of the date of the order.

(4) If any such appeal or appeals have been preferred, the Revenue Divisional Officer shall communicate the orders passed by him on such appeal or appeals to the Returning Officer within seven days from the date fixed for the scrutiny of nominations.

18. *Withdrawal of candidature.*—(1) Any candidate may withdraw his candidature by a notice in writing which shall be subscribed by him and delivered before three O'clock in the afternoon on the day fixed under rule 10 to the Returning Officer either by such candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by such candidate:

Provided that if that day is a public holiday for the purposes of Section 25 of the Negotiable Instruments Act, 1881 (Act XXVI of 1881) or has been notified by the Government as a day to be observed as a holiday in Government offices, the notice of withdrawal shall be considered as having been delivered in due time if it is delivered before 3 O'clock in the afternoon on the next succeeding day which is neither such a public holiday nor a day so notified.

(2) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.

(3) The Returning Officer shall, on receiving a notice of withdrawal under sub-rule (1), as soon as may be, cause a notice of the withdrawal to be affixed in some conspicuous place in his office and in the concerned Panchayat office.

19. *Assignment of symbols.*—(1) The Returning Officer shall then assign symbols from the list of symbols then in force to the contesting candidates.

(2) In assigning the symbols, the Returning Officer shall be guided by the following principles:

(a) If Government have assigned symbols to political parties, he shall assign those symbols to candidates who belong to those political parties.

(b) In double member wards where seats are reserved for Scheduled Castes and Scheduled Tribes and if the same political party has candidates for the reserved seat and for the remaining seat, the same symbol shall be assigned to both the candidates. But the symbol of the candidate for the reserved seat shall be enclosed in thick black circles.

(c) After assigning the symbols to party candidates, the Returning Officer shall assign the symbols of the first choice to such candidates whose first choice does not clash with the first choice of any other candidate.

(d) After assignment of symbols as provided in clauses (a), (b) and (c), if more candidates than one indicate their preferences for the same symbol, the Returning Officer shall, after notice to the candidates concerned, decide by lot to which of the candidates the symbol will be assigned. The decision of the Returning Officer shall be final.

(e) If none of the three symbols chosen by a candidate under sub-rule (3) of rule 12 can be assigned to him under these principles, the Returning Officer may assign to that candidate, any symbol from among the available symbols in the list.

(3) In order that there may be no doubt at the time of allotment of symbols as to which of the candidates at an election is an 'official' candidate of a recognised party, each recognised party shall intimate the concerned Returning Officer the name or names of the person or persons who have been chosen as their 'official' candidate or candidates at the election before the last date of withdrawal of candidature. If this communication does not reach the Returning Officer before that date, every candidate claiming to have been set up by the party shall be treated as an Independent candidate and shall be allotted a free symbol.

(4) In every case where a symbol has been assigned to a candidate, such candidate shall forthwith be informed of the symbol so assigned and be supplied with a specimen thereof by the Returning Officer.

20. *Publication of the list of contesting candidates.*—(1) Immediately after the expiry of the period within which candidatures may be withdrawn under sub-rule (1) of rule 18, the Returning Officer shall prepare in Form IV a list of contesting candidates, that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period and publish it in the notice board of his office, and in the concerned Panchayat Office.

(2) The said list shall contain the names of the candidates in alphabetical order and shall describe them as in their nomination papers. It shall be prepared in such language or languages as the Election Authority may direct. The list shall show against the names of the candidates the symbols assigned to them.

21. *Procedure in contested and uncontested elections.*—The following provisions shall apply in respect of candidates where there is no reserved seat and who have been duly nominated and have not withdrawn their candidature in the manner and within the time specified in sub-rule (1) of Rule 18:

(a) if there is only one candidate, the Returning Officer shall declare him to be duly elected;

(b) if there is no candidate, election proceedings shall be started afresh for filling up the vacancy, in all respects as if for a new election; and

(c) if the number of candidates exceeds one, a poll shall be taken.

22. *Special procedure at elections in wards where seats are reserved for Scheduled Castes and Scheduled Tribes.*—(1) The provisions of this rule shall apply in relation to any election in a ward where the seats to be filled include a reserved seat.

(2) If the number of candidates qualified to be chosen to fill the reserved seat is one, then that candidate shall be forthwith declared to be elected to fill the reserved seat, and the procedure laid down in Rule 21 shall be followed for filling the remaining seat.

(3) If there are only two candidates and if both are qualified to be chosen to fill the reserved seat, the Returning Officer shall first select by lot, to be drawn by him in such manner as he may determine the candidate to be declared elected to the reserved seat out of the two candidates and then declare the candidate so selected to be duly elected to fill the reserved seat and thereafter declare the remaining candidate to be duly elected to fill the remaining sent.

(4) If the number of candidates qualified to be chosen to fill the reserved seat exceeds one and the total number of candidates also exceeds the total number of seats to be filled, the procedure laid down in Rule 21 shall be followed, and after the poll has been taken, the Returning Officer shall first declare the candidate who, being qualified to be chosen to fill the reserved seat, has secured the largest number of votes, to be duly elected to fill the reserved seat, and then declare such of the remaining candidate as has secured the largest number of votes to be duly elected to fill the remaining seat.

23. *Election agents.*—A candidate at an election may appoint any one person other than himself to be his election agent and when any such appointment is made, notice of the appointment shall be given in Form V to the Returning Officer.

24. *Revocation of the appointment, or death of an election agent.*—(1) Any revocation of the appointment of an election agent, shall be signed by the candidate and shall operate from the date on which it is lodged with the Returning Officer.

(2) In the event of such a revocation or of the death of an election agent whether that event occurs before or during the election, the candidate may appoint in the manner laid down in rule 23, another person to be his election agent.

25. *Appointment of polling agents.*—(1) A contesting candidate or his election agent may appoint one agent and two relief agents to act as polling agents of such candidates at each polling station.

(2) Every such appointment shall be made in Form VI and shall be made over to the polling agent for production at the polling station.

(3) No polling agent shall be admitted into the polling station unless he has delivered to the presiding officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the presiding officer the declaration contained therein.

(4) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Presiding Officer and in the event of such a revocation or of the death of a polling agent before the close of the poll, the candidate or his election agent may appoint in the manner as laid down in sub-rule (2) another polling agent at any time before the poll is closed.

26. *Appointment of counting agents.*—(1) A contesting candidate or his election agent may appoint one or more persons, but not exceeding three to be present as his counting agent or agents at the counting of votes, and when any such appointment is made notice of the appointment shall be given in Form VII to the Returning Officer.

(2) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Returning Officer and in the event of such a revocation or of the death of a counting agent before the commencement of the counting of votes, the candidate or his election agent may appoint in the manner laid down in sub-rule (1) another counting agent at any time before the counting of votes is commenced.

27. *Appointment of Presiding and Polling Officers.*—(1) If a poll has to be taken, the Returning Officer shall appoint a Presiding Officer for each polling station and such Polling Officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by or on behalf of,

or has otherwise been working for a candidate in or about the election. The Presiding and Polling Officers shall neither be members of the wards for which the poll is to be taken nor registered electors therein, nor any person who is an officer or other employee of the Panchayat:

Provided that if a Polling Officer is absent from the polling station the Presiding Officer may appoint a person who is present at the polling station, other than a person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election or a member of the ward for which a poll is to be taken or a registered elector therein, or an Officer or other employee of the Panchayat, to be the Polling Officer during the absence of the former Officer and inform the Returning Officer accordingly.

(2) The Polling Officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under the Act or any rules or orders made thereunder.

(3) If the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his function shall be performed by such Polling Officer as has been previously authorised by the Returning Officer to perform such functions during such absence.

(4) References in these rules to the Presiding Officer shall, unless the context otherwise requires be deemed to include any person performing any function which he is authorised to perform under sub-rule (2) or sub-rule (3) as the case may be.

28. *Death of candidate before poll.*—If a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer shall upon being satisfied of the fact of the death of the candidate, countermand the poll, and election proceedings shall be started afresh in all respects as if for a new election:

Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll; and

Provided further that no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 18 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

29. *Application for postal votes.*—A voter on election duty who wishes to vote by post at an election shall send an application in Form VIII to the Returning Officer so as to reach him at least seven days or such shorter period as the Returning Officer may allow before the date of poll; and if the Returning Officer is satisfied that the applicant is a voter on election duty; he shall issue a postal ballot paper to him.

30. *Postal ballot paper.*—(1) A postal ballot paper shall be in the same form and contain the same particulars as a ballot paper in Form IX used at a polling station with the addition of the words 'Postal Ballot' stamped on the back of the ballot paper.

(2) The postal ballot paper shall be sent by post under certificate of posting to the elector together with—

(a) a declaration in Form VIIIA;

(b) the instructions for guidance of the elector in Form VIIIB;

(c) a cover in Form VIIIC;

(d) a large cover addressed to the Returning Officer in Form VIIID:

Provided that the Returning Officer may deliver the ballot paper and forms, or cause them to be delivered, to such voter personally.

(3) The Returning Officer shall at the same time—

(a) record the serial number of each ballot paper against the entry relating to that elector in the copy of the electoral roll set apart for the purpose (hereinafter referred to as the marked copy of the electoral roll) and

(b) ensure that, that elector is not allowed to vote at a polling station.

(4) Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay.

31. *Recording of votes in postal ballot papers.*—(1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part I of Form VIIIB and then enclose it in the cover in Form VIIIC.

(2) The elector shall sign the dclaration in Form VIIIA in the presence of an officer competent to attest his signature and have the signature attested in accordance with the directions contained in Part II of Form VIIIB.

(3) After an elector has recorded his vote and made his declaration under sub-rules (1) and (2) he shall return the ballot paper and declaration to the returning officer in accordance with the instructions contained in Part II of Form VIIIB so as to reach the returning officer before 4 p.m. on the date fixed for the poll in the particular ward.

(4) If any cover containing a postal ballot paper is received by the returning officer after the expiry of the time fixed in sub-rule (3), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(5) The returning officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him.

32. *Arrangements at polling stations.*—(1) Outside each polling station there shall be displayed prominently—

(a) a notice specifying the polling area the electors of which are entitled to vote at the polling station and, when the polling area has more than one polling station, the particulars of the electors so entitled; and

(b) a copy of the list of contesting candidates.

(2) At each polling station, there shall be set up two or more voting compartments in which electors can record their votes screened from observation.

(3) The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers.

33. *Admission to polling stations.*—The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than—

(a) polling officers;

(b) public servants on duty in connection with the election;

(c) persons authorised by the election authority;

(d) candidates, their election agents and subject to the provisions of rule 25 one polling agent of each candidate;

(e) a child in arms accompanying an elector;

(f) a person accompanying a blind or infirm elector who cannot move without help; and

(g) such other persons as the Returning officer or the Presiding Officer may employ under sub-rule (2) of rule 36 or sub-rule (1) of rule 37.

34. *Preparation of ballot boxes for poll.*—(1) The ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked.

(2) Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the polling agents present as are desirous of affixing the same.

(3) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper therein to remain open.

(4) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed it is not possible to open it without breaking the seals.

(5) Where it is not necessary to use paper seals for securing the ballot boxes, the Presiding Officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(6) Every ballot box used at a polling station shall bear lables, both inside and outside, marked with—

(a) the serial number, if any, and name of the ward;

(b) the serial number and names of the polling station;

(c) the serial numbers of the ballot box (to be filled in at the end of the poll on the lable outside the ballot box only); and

(d) the date of poll.

(7) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that the ballot box is empty and bears the lables referred to in sub-rule (6).

(8) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the polling agents.

35. *Form of ballot papers.*—The ballot papers shall be in Form IX. The ballot papers shall be serially numbered. In a ward where there is a reserved seat below the name of every candidate standing for the reserved seat an indication to that effect shall be given by the word Reserved in brackets in the language in which the ballot paper is printed.

36. *Facilities for women electors.*—(1) Where a polling station is for both men and women electors, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the Presiding Officer generally in taking the poll in respect of women electors, and, in particular, to help in searching any woman elector in case it becomes necessary.

37. *Identification of electors.*—(1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) In deciding the right of a person to obtain a ballot paper the Presiding Officer or the Polling Officer, as the case may, be, shall overlook merely clerical or printing errors in an entry in the electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates.

38. *Challenging of identity.*—(1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made, the Presiding Officer shall—

(a) warn the person challenged of the penalty for personation;

(b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;

(c) enter his name and address in the list of challenged votes in Form X; and

(d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose—

(a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence of proof of his identity;

(b) put to the person challenged any question necessary for the purpose of establishing his identity and require him to answer them on oath; and

(c) administer an oath to the person challenged and any other person-offering to give evidence.

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Panchayat and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

39. *Safeguards against personation.*—(1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or Polling Officer and an indelible ink mark to be put on it.

(2) If any elector refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

(3) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand; and shall in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arms as he possesses.

40. *Issue of ballot papers to electors.*—(1) Every ballot paper shall before issue to an elector be stamped with such distinguishing mark as the election authority may direct.

(2) At the time of issuing a ballot paper to an elector the polling officer shall record the serial number thereof against the entry relating to the elector in the copy of the electoral roll set apart for the purpose.

(3) Save as provided in sub-rule (2), no person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors.

41. *Voting procedure.*—(1) The elector on receiving the ballot paper shall forthwith—

(a) proceed to one of the voting compartments,

(b) there make a mark or marks on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote,

(c) fold the ballot paper so as to conceal his vote,

(d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper,

(e) insert the folded ballot paper into the ballot box, and

(f) quit the polling station.

(2) Every elector shall vote without undue delay.

(3) No elector shall be allowed to enter a voting compartment when another elector is inside it.

42. *Recording of votes of blind or infirm electors.*—(1) If owing to blindness or other physical infirmity, an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon, the Presiding Officer shall record the vote on the ballot paper in accordance with the wishes of the elector, fold it so as to conceal the vote and insert it into the ballot box.

(2) While acting under this rule, the Presiding Officer shall observe as much secrecy as is feasible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.

43. *Spoilt and returned ballot papers.*—(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned shall be marked "Spoilt: cancelled" by the Presiding Officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so returned shall be marked as "Returned: cancelled" by the Presiding Officer.

(3) All ballot papers concelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

44. *Tendered votes.*—(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to bis identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter ln these rules referred to as a "tendered ballot paper") in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form XI.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that it shall be—

(a) serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

(4) The elector, after marking a tendered ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

45. *Closing of poll.*—(1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under rule 10 and shall not thereafter admit any elector into the polling station:

Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

46. *Sealing of ballot boxes after poll.*—(1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the slit of the ballot box, and where the box does

not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason for the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot box is put into use.

47. *Account of ballot papers.*—The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form XII and enclosed it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

48. *Sealing of other packets.*—(1) The Presiding Officer shall then make into separate packets—

(a) the marked copy of the electoral roll;

(b) the unused ballot papers;

(c) the cancelled ballot papers;

(d) the cover containing the tendered papers and the list in Form XI;

(e) the list of challenged votes; and

(f) any other papers directed by the Returning Officer to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the Presiding Officer and of those polling agents present who may desire to affix their seals thereon.

49. *Transmission of ballot boxes etc., to the Returning Officer.*—(1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct—

(a) the ballot boxes;

(b) the ballot paper account;

(c) the sealed packets referred to in rule 48; and

(d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

50. *Adjournment of poll in emergencies.*—(1) If at an election the proceedings at any polling station provided under rule 10 are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be notified later, and shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-rule (1) the Returning Officer shall immediately report the circumstances to the election authority, and shall, as soon as may be, with the previous approval of the Election Authority appoint the day on which the poll shall recommence, and fix the polling station and the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.

51. *Fresh poll in the case of destruction etc., of ballot boxes.*—(1) If at any election, any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer, or is any way tampered with, or is accidentally or intentionally destroyed, lost or damaged, and the Returning Officer is satisfied that in consequence thereof the result of the poll at that polling station cannot be ascertained, he shall—

(a) declare the polling at that polling station to be void;

(b) report the matter forthwith to the election authority;

(c) with the previous approval of the election authority appoint a day, and fix the hours for taking a fresh poll at the polling station; and

(d) notify the day, so appointed and the hours so fixed by him in such manner as the election authority may direct.

(2) The provisions of these rules or orders made thereunder shall apply to every fresh poll as they apply to the original poll.

52. *Procedure on adjournment of poll.*—(1) If the poll at any polling station is adjourned under Rule 50 the provisions of rules 46 and 49 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 10.

(2) When an adjourned poll is recommended under subrule (2) of rule 50, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll and a new ballot box.

(4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for recording the serial numbers of the ballot papers issued to electors at the adjourned poll.

(5) The provisions of rules 32 to 49 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

53. *Counting of votes.*—The Returning Officer shall commence the counting of votes on the date and at the time and place appointed for the purpose under rule 10.

54. *Admission to the place fixed for counting.*—(1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except—

(a) such persons as he may appoint to assist him in the counting;

(b) persons authorised by the election authority;

(c) public servants on duty in connection with the election; and

(d) candidates, their election agents and counting agents.

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer may be removed from the place where the votes are being counted by the Returning Officer or by any police officer on duty or by any person authorised in this behalf by the Returning Officer.

55. *Maintenance of secrecy of voting.*—The Returning Officer shall, before he commences the counting, read out the provisions of section 105 of the Act to such persons as may be present.

56. *Scrutiny and opening of ballot boxes.*—(1) The Returning Officer may have the ballot boxes used at more than one polling station opened and their contents counted simultaneously.

(2) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in Rule 51 in respect of that polling station.

57. *Scrutiny and rejection of ballot papers.*—(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(2) The Returning Officer shall reject a ballot paper—

(a) if it bears any mark or writing by which the elector can be identified, or

(b) if no vote is recorded thereon, or

(c) if votes are given on it in favour of more candidates than there are members to be elected, or

(d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or

(e) if it is a spurious ballot paper, or

(f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or

(g) if it bears a serial number, or is of a design, different from the serial numbers or, as the case may be, design, of the ballot papers authorised for use at the particular polling station, or

(h) if it does not bear the mark which it should have borne under the provisions of sub-rule (1) of rule 40:

Provided that where the Returning Officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, the ballot paper shall not be rejected merely on the gorund of such defect:

Provided further that a ballot paper shall not be rejected merely on the gorund that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the Paper is marked: and

Provided also that when an elector has more votes than one and his ballot paper has not been rejected under the sub-rules (a) to (h), the vote or votes other than the rejected vote shall be duly counted.

(3) Before rejecting any ballot paper under sub-rule (2) the Returning Officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) The Returning Officer shall record on every ballot paper which he rejects the letter 'R' and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled together.

58. *Counting of votes.*—(1) Every ballot paper or as the case may be every vote which is not rejected under rule 57 shall be counted as one valid vote:

Provided that no cover containing tendered ballot papers shall be opend and no such paper shall be counted.

(2) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed, the Returning Officer shall make the entries in a result sheet in Form XIII and announce the particulars.

(3) The valid ballot papers shall thereafter be bundled together and kept along with the boundle of rejected ballot papers in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely:

(a) the name of the Panchayat,

(b) the name of the ward,

(c) the particulars of the polling station where the ballot papers have been used, and

(d) the date of counting.

59. *Counting to be continuous.*—The Returning Officer shall as far as practicable, proceed continuously with the counting and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and the seals of such candidates or election agents as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.

60. *Re-commencement of counting after fresh poll.*—(1) If a fresh poll is held under rule 51 the Returning Officer shall, after completion of that poll, re-commence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of rules 57 and 58 shall apply so far as may be to such further counting.

61. *Scrutiny and counting of postal ballot papers.*—(1) After the counting of ballot papers found in ballot boxes has been completed, the returning officer shall deal with the postal ballot papers in the manner hereinafter provided.

(2) No cover in Form VIII D received by the returning officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the returning officer shall first scrutinise the declaration in Form VIII A contained therein.

(4) If the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form VIII C that cover shall not be opened, and after making an appropriate endorsement thereon, the returning officer shall reject the ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form VIII D and all such covers in Form VIIID shall be kept in a separate packet which shall he sealed and on which shall be recorded the name

of the panchayat, the name of the ward, the date of counting and a brief description of its contents.

(6) The returning officer shall then place all the declarations in Form VIIIA which he has found to be in order in a separate packet which shall be sealed before any cover in Form VIIIC is opened and on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form VIIIC not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the returning officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.

(8) A postal ballot paper shall be rejected—

(a) if no vote is recorded thereon; or

(b) if votes are given on it in favour of more candidates than there are members to be elected; or

(c) if it is a spurious ballot paper; or

(d) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(e) if it is not returned in the cover sent along with it to the elector by the Returning Officer.

(9) A vote recorded on a postal ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.

(10) A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(11) The Returning Officer shall count all the valid votes given by postal ballot in favour of each candidate, record the total thereof in the result sheet in Form XIII and announce the same.

(12) Thereafter all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed and on which shall be recorded the name of the panchayat, the name of the ward, the date of counting and a brief description of its contents.

62. *Recount of votes.*—(1) After the completion of the counting, the Returning Officer shall record in the result sheet in Form XIII the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made, a candidate or, in his absence, his election agent may apply in writing to the Returning Officer for a recount of all or any of the ballot papers already counted stating the grounds on which he demands such recount.

(3) On such an application being made the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it in *toto* if it appears to him to be frivolous or unreasonable.

(4) Every decision of the Returning Officer under sub-rule (3) shall be in writing and contain the reasons therefor.

(5) If the Returning Officer decides under sub-rule (3) to allow an application either in whole or in part, he shall—

(a) count the ballot papers again in accordance with his decision;

(b) amend the result sheet in Form XIII to the extent necessary after such recount; and

(c) announce the amendments so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the Returning Officer shall complete and sign the result sheet in Form XIII and no application for a recount shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken on the completion of the counting until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

63. *Declaration of result of election.*—When the counting of votes has been completed the Returning Officer shall forthwith complete the entries in Form XIII and shall subject to the provisions in rule 64 declare to be elected the candidate or candidates to whom the largest number of valid votes has or have been given.

64. *Drawing of lots in case of equality of votes.*—If there is an equality of votes between any two or more candidates, the Returning Officer shall, after notice to the candidates or their authorised agents if present, decide by drawing lots in such manner as he may deem fit which of the candidate or candidates he shall declare to have been elected.

65. *Grant of copy or extract of result sheet.*—Any candidate or his agent shall, on application be permitted to take a copy or an extract from the return in Form XIII.

66. *Publication of election results.*—The name or names of the candidates duly elected shall be forwarded to the election authority and the Director without delay by the Returning Officer. The name or names of the elected candidate or candidates shall also be published on the notice board of the Panchayat and the Village Offices within the Panchayat area. On receipt of the report, the election authority shall notify in the Government Gazette the name or names of the successful candidate or candidates.

67. *Disposal of ballot papers.*—The Returning Officer, if he is not himself the Panchayat Inspector, having jurisdiction over the Panchayat, shall forward to the Panchayat Inspector, the packets of ballot papers whether counted, rejected or tendered, the marked copies of the electoral rolls, all election records and cash if any, on account of forfeited deposits. The forfeited deposits shall be remitted in the P.D. Account of the respective Panchayats by the Inspector. The Panchayat Inspector shall retain the sealed packets and other similar packets which are in his custody for a year from the date of declaration of results. The packets shall not be opened and their contents shall not be inspected or produced except under the orders of a competent Court.

The Panchayat Inspector shall cause them to be destroyed after one year from the date of declaration of the result, unless otherwise ordered by a competent Court.

68. *Election under sub-sections* (6) *and* (7) *of Section* 11 *of the Act.*—When an election to fill a seat becomes necessary under sub-sections (6) and (7) of Section 11 of the Act, the election authority shall call upon the ward or wards concerned to elect a member on or before a specified date and the Returning Officer shall thereupon issue the notice under clause (1) of Rule 10 and take further steps to conduct the election.

69. *Government or Director or Collector to give special or general direction.*—The Government or the Director or Collector may issue such general or special directions as may in their or his opinion be necessary for the purpose of giving due effect to the conduct of elections to Panchayats under these rules.

70. *Government to be referred for the interpretation of Rules.*—(1) If any question arises as to the interpretation of these rules otherwise than in connection with an inquiry held under the rules for the decision of disputes as to the validity of an election, the question shall be referred to the Government whose decision shall be final.

(2) Pending the decision of the Government on any such reference made to them or the issue of final orders on any inquiry which the Government may institute upon receipt of information that an election is being or about to be held in contravention of the rules, it shall be lawful for Government to direct the stay of the Election Proceedings at any stage thereof prior to the declaration of the results. Any election held or continued in contravention of the orders of the Government under this rule shall be void and of no effect whatsoever.

(3) Unless it is otherwise ordered by the Government election proceedings stayed under this rule shall, on vacation of the stay order, proceed from the stage at which they were stayed, on fresh dates to be fixed.

71. *Election authority to issue instructions for the effective carrying out of elections.*—Consistent with the provisions of these rules, the Election Authority may issue instructions and take such action as is necessary for effectively carrying out the provisions of these rules.

FORM I

Notice of Election

(*See Rule* 10)

Election to the .... Panchayat.

Notice is hereby given that :—

(1) an election is to be held of a member|members to fill the seat|seats allotted to each of the Wards of the Panchayat as specified in the schedule attached.

(2) Forms of nomination paper may be obtained from the Panchayat Office, if any, and the offices of the officers specified in the table attached, between the hours of........from...... (date), to.......... (date).

(3) Nomination papers may be delivered between the hours of 11 in the morning and 3 in the afternoon by a candidate or his proposer to any of the officers specified in the table attached at his office on any day not later than the............ day of ....

(4) The nomination papers will be taken up for scrutiny at .... (hours) on ...... (date) at the .... (Place).

(5) Notice of withdrawal of candidature may be delivered by a candidate or his election agent or his proposer to any one of the officers specified in the table attached, at his office before 3 p.m. on .... (date).

(6) In the event of the election being contested, the poll will take place at .... (place) on .... (date) between the hours of........and..............

(7) The counting of votes relating to each ward will commence on........ (date) at........ (place) between the hours ....and..........

Place:

Date:

Returning Officer

Schedule

Name of Ward	*No. of members to be elected*

Note.—One seat in Ward......is reserved for Scheduled Castes and Scheduled Tribes.

TABLE

Designation of Officer (1)	*Location of Office* (2)
1. Returning Officer.	
2. Assistant Returning Officer	

FORM II

(*See Rule* 12)

Election to the ....Ward of..........Panchayat.

NOMINATION PAPER

1. Name and number of the Ward
2. Full name of the candidate
3. Number of the candidate in the Electoral roll
4. Father's Karanavan's or husband's name
5. Age
6. Postal address
7. Full name of proposer
8. Number of the proposer in the electoral roll
9. Signature of the proposer
10. Symbols in the order of preference

CANDIDATE'S DECLARATION

I declare that I am the candidate mentioned herein and that I am willing to stand for election.

(Signature of the candidate)

*(Declaration by a candidate who is a member of any of the Castes or Tribes for whom seat has been reserved).

I declare that I am a member of the ....Caste|Tribe.

(Signature of the candidate)

Endorsed by the Returning Officer or other authorised person.

Serial No.

This nomination paper was presented to me by .... (name of person) at..........(date and hour).

Signature of the Returning Officer or other authorised person.

* Strike out if inapplicable.

FORM III

(*See Rule* 15)

List of nominations received on..........(date)............ for........(Ward) of the..............Panchayat

Sl. No.	*Name of Candidate*	*Father's, Karanavan's or Husband's name*	*Postal address*	*Age of Candidate*	*Name of Proposer*
(1)	(2)	(3)	(4)	(5)	(6)

Note.—The nomination papers will be taken for scrutiny at........... a.m.|p.m. on.............. the ....day of.......... 196....at..............(Place).

Returning Officer
or other authorised person.

LIST OF VALID NOMINATIONS, FINAL LIST OF CANDIDATES FOR ELECTION

FORM IV

(*See Rule* 20)

Election to the........Ward of the........Panchayat.

Sl. No.	*Name of Candidate*	*Address*	*Symbol assigned to the Candidate*
(1)	(2)	(3)	(4)

The candidate whose name is marked with an asterisk is a member of a Scheduled Caste or Tribe.

Note.—The poll will be taken between............on.................. at the polling stations already notified.

Returning Officer

FORM V

Appointment of Election Agent
(*See Rule* 23)

Election to the............Ward of........Panchayat.

The Returning Officer,

I,.................. of ....a candidate at the above election, do hereby appoint........................ of................as my Election Agent from this day at the above election.

Place:
Date: Signature of Candidate.

I accept the above appointment.

Place:
Date: Signature of Election Agent.

FORM VI

Appointment of Polling Agent
(*See Rule* 25)

Election to the............Ward of........Panchayat.

To

The Presiding Officer for Polling Station,............... Ward No............... of ....Panchayat.

I,................a candidate|election agent............ at the above election do hereby give notice that I have appointed ....as a polling agent to attend the polling station ....the booth No..........at the Polling Station.

Signature of Candidate|Election Agent.

Date:

I agree to act as Polling Agent.
Date: Signature of Polling Agent.

Declaration of Polling Agent to be signed before the Presiding Officer

I hereby declare that I will not at this election for Ward (No. and Name) do anything forbidden by Section 105 of the Kerala Panchayats Act, 1960 which I have read|which has been read over to me.

Signature of Polling Agent.

Signed before me
Date: Presiding Officer.

FORM VII

Appointment of Counting Agent
(*See Rule* 26)

Election to the............Ward of........Panchayat.

To

The Returning Officer,

I,..............a candidate|election agent of............ at the above election, do hereby appoint.................as the counting agent of..................to attend the counting of votes at....................

Place:

Date: Signature of Candidate|Election agent.

I agree to act as such counting agent.

Place:

Date: Signature of Counting Agent.

(Declaration of Counting Agent to be signed before the Returning Officer)

I hereby declare that at the above election I will not do anything forbidden by Section 105 of the Kerala Panchayats Act, 1960 with I have read|which has been read over to me.

Date: Signature of the Counting Agent.

Signed before me.

Date: Returning Officer.

FORM VIII

Application for Postal Ballot Papers by Presiding and Polling Officers

To

The Returning Officer,

..................................Panchayat

Sir,

I am an elector in the above ward of.......Panchayat and am entitled to vote on............at the................ Polling station. I have been appointed for polling duty on..................as Presiding Officer|Assistant Presiding Officer|Polling Officer at Polling Station No...............of the............Ward No............ of ....Panchayat. I am therefore unable to vote in person at polling station mentioned first.

Under rule 29 of the Kerala Panchayats (Election of members) Rules, 1962, I request that I may be allowed to vote by postal ballot. The required particulars are specified below:—

1. Name ....
2. Address ....
   ....
3. Serial number in the electoral roll..................
4. Serial number of the part of the electoral roll........

Signature................

Designation..............

FORM VIII A

Declaration by Elector

[*See rule 30 of the Kerala Panchayats (Election of Members) Rules, 1962*]

Election to the................Panchayat from the..............Ward No....

(*This side is to be used only when the elector signs the declaration himself*)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number.......................has been issued at the above election.

Signature of Elector.

Date..............   Address....................

ATTESTATION OF SIGNATURE

The above has been signed in my presence by............ (elector) who* is personally known to me|has been identified to my satisfaction by......................(identifier) who is personally known to me.

Signature of identifier, if any......................

Address..........................

Signature of Attesting Officer

Designation....................

Address......................

Date...... ....

(*This side is to be used when the elector cannot sign himself*)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number................has been issued at the above election.

Date..................

Signature of Attesting Officer on behalf of Elector

Address of Elector..............

CERTIFICATE

I hereby certify that—

(1) the above named elector* is personally known to me|has been identified to my satisfaction by.................. (identifier) who is personally known to me;

(2) I am satisfied that the elector* is illiterate|suffers from....................(infirmity) and is unable to record his vote himself or sign his declaration;

(3) I was requested by him to mark the ballot paper and to sign the above declaration on his behalf; and

(4) The ballot paper was marked and the declaration signed by me on his behalf, in his presence and in accordance with his wishes.

Signature of identifier, if any..................
Address......................................

Signature of Attesting Officer.
Designation ....
Address ....
Date ....

* Strike off the inappropriate alternative as necessary.

FORM VIII B

Instructions for the guidance of electors

[See rule 30 of the Kerala Panchayats (Election of members) Rules, 1962]

Election to the ward No............of..........Panchayat.

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. If you desire to vote, you should record your vote in accordance with the directions given in Part I below and then follow the instructions detailed in Part II.

Part I—Directions to Electors

(a) The number of members to be elected is one|two.

(b) You have one vote|two votes.

(c) You must not vote for more than one candidate|two candidates. If you do, your ballot paper will be rejected.

(d) Record each vote by placing clearly a mark on the ballot paper opposite the name of the candidate to whom you wish to give that vote and near his symbol.

(e) The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given the vote, that vote will be invalid.

(f) Your vote is secret. You must not put your signature on the ballot paper or make any other mark on it which will reveal your identity. If you do, your ballot paper will be rejected.

Part II—Instructions for Electors

(a) After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'C' sent herewith. Close the cover and secure it by seal or otherwise.

(b) You have then to sign the declaration in form 'A' also sent herewith, in the presence of an officer competent to attest your signature. Such officer must be a Stipendiary Magistrate or any Gazetted Officer to whom you are personally known or to whose satisfaction you have been identified. Take the declaration to any such officer and sign it in his persence after he has been satisfied about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.

(c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your votes marked and the declaration signed on your behalf by any officer mentioned in item (b). Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

(d) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c), place the declaration in form 'A' as also the smaller cover marked 'C' containing the ballot paper, in the larger cover marked 'D'. After closing the larger cover, send it to the Returning Officer by prepaid post or by messenger. You have to give your full signature in the space provided on the cover marked 'D'.

(e) You must ensure that the cover reaches the returning Officer before 4 p.m. on the date fixed for poll in the particular ward.

(f) Please note that:—

(i) If you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and

(ii) If the cover reaches the Returning Officer after 4 p.m. on the date fixed for the poll in the particular ward.................. (date) your vote will not be counted

FORM VIII C

KERALA PANCHAYAT ELECTIONS

(See Rules 30 of the Kerala Panchayats Election of members) Rules 1962

NOT TO BE OPENED BEFORE COUNTING

Panchayat General Election—Election to the Ward No.........of

.... Panchayat

POSTAL BALLOT PAPER

Serial No. of Ballot paper..................

FORM VIII D

KERALA PANCHAYAT ELECTIONS

ELECTION IMMEDIATE

POSTAL BALLOT PAPER

Stamp

**For ward No..........of................Panchayat
(NOT TO BE OPENED BEFORE COUNTING)

To

The Returning Officer

*.................. ....

....

Signature of Sender

**Returning Officer to insert here the name of the appropriate No. of ward.

*Returning Officer to mention here his full Postal address.

FORM IX

(*See Rule* 35)

Ballot Paper

....

Coat of Arms.............Panchayat Ward No...........

(Symbols)

(Name of Candidates)

(Serial No.)

....

FORM X

(*See Rule* 38)

List of Challenged Votes

................Polling Station ....Ward

..................Panchayat.

Number on the electoral roll	*Name*	*Address*	*Order of Presiding Officer*	*Signature of elector if literate or thumb impression of elector if illiterate, with signature of witness*
(1)	(2)	(3)	(4)	(5)

Signature of Presiding Officer

FORM XI

[*See Rule* 44(2)]

List of tendered votes

................Polling Station ....Ward

..................Panchayat.

Number on electoral roll	*Name*	*Address*	*Signature of elector if literate or thumb impression of elector if illiterate, with signature of witness*
(1)	(2)	(3)	(4)

FORM XII
(*See Rule* 47)

PART I

Ballot Paper Account

Election to the..............from the....................
No. and name of polling station :

		Serial numbers	*Total number*
1.	Ballot papers received		
2.	Ballot papers not used		
3.	Ballot papers issued to voters		
4.	Ballot papers cancelled		
5.	No. of tendered votes cast at the polling station.		

Date : Signature of Presiding Officer.

FORM XIII
(*See Rule* 58)

Return showing the results of the election for seats for............ Ward in the............Panchayat

Name of candidate	*No. of valid votes*	*No. of valid postal votes*	*Total*
(1)	(2)	(3)	(4)

Total No. of Valid Votes................

(In the ballot box and postal to be shown separately)

Total No. of invalid votes................

(In the ballot box and postal to be shown separately)

I do hereby declare that the following candidate/candidates is/have been duly elected for................ward of the........... Panchayat.

Returning Officer.

By order of the Governor,
S. ANANTAKRISHNAN,
Development Commissioner and Additional Secretary to Govt.